IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

MONDAY, THE 18TH DECEMBER 2006 / 27TH AGRAHAYANA 1928

Crl.Rev.Pet.No. 4475 of 2006

CRA.164/2004 of II ADDL.SESSIONS COURT, KOLLAM
CC.1054/2000 of JUDL.MAGISTRATE OF FIRST CLASS-II(FOREST OFFENCES), PUNALUR ((Against the judgment of II Additional Sessions Judge Kollam dated 27-9-2006 in Crl. Appeal No.164/04))

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REVN. PETITIONER: APPELLANT/ACCUSED

P.A.SUKHOOR,
S/O.V.PAREEDKUNJU, SUKHOOR BUNGLOW,
NEAR RAILWAY STATION, PUNALUR.

BY ADV. SRI.P.A.AHAMMED
SRI.THOUFEEK AHAMED

RESPONDENTS: COMPLAINANT AND STATE

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1. P.T.KURIVILA,
SARAVANAYIL VEEDU,
VALAKODU, PUNALUR.

2. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.K.C.SURESH

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 18/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.P.BALACHANDRAN, J.

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Crl.R.P.NO.4475 OF 2006

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Dated this the 18th day of December 2006

ORDER

Counsel for petitioner submits that he does not want to argue the matter on merits impugning the conviction and sentence as he does not find any merit and that it is enough if the petitioner is granted two months time to make payment of the entire amount covered by the cheque modifying and reducing the substantive sentence of imprisonment. Considering the entire circumstances of the case, I am of the view that sentence of imprisonment can be limited to one day till rising of court with a further direction to make payment of the entire cheque amount of Rs.68,500/- to PW1 by way of compensation under Section 357 (3) Cr.P.C. and in default to undergo simple imprisonment for three months.

2. In the result, while confirming the conviction of the petitioner for offence under Section 138 of N.I. Act I modify the sentence to one of simple imprisonment for one day till rising of court and direct the petitioner to make payment of the entire cheque amount of Rs.68,500/- to PW1 by way of compensation

under Section 357 (3) Cr.P.C. and in default to undergo simple imprisonment for three months. Petitioner shall surrender before the Judicial First Class Magistrate-II, Punalur positively on 19-2-2007 to serve the sentence and in case, the compensation amount is not paid or deposited on that day the learned Magistrate shall enforce the default sentence as against the petitioner forthwith.

This revision is disposed of as above.

K.P.BALACHANDRAN, JUDGE

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